

Arizona Department of Water Resources
GROUNDWATER USERS ADVISORY COUNCIL
Tucson Active Management Area
Kenneth Seasholes, Area Director



DEE T. O'NEILL
Chair

DAVID MODEER
Vice-Chair

JOHN MAWHINNEY

JON POST

CHUCK SWEET

Minutes
January 27, 2006

Members Present:

Dee O'Neill, Chair
David Modeer, Vice-Chair
John Mawhinney
Jon Post
Chuck Sweet

Tucson Staff Present:

Kenneth Seasholes
Mary Bauer
John Bodenchuk
Laura Grignano
Jeff Tannler

Others:

Philip Bailey, San Xavier District
Beryl Baker, Citizen
Janet Lea Carr, SAWUA
Phyllis Cachora, San Xavier Allottees Assoc.
David Crocket, FWID
Dennis Dickerson, PAG
Judith Dworkin, Sacks Tierney
Tony Encinas, Xavier Allottees Assoc.
Arturo Gabaldon, Community Water Co. of G.V.
Robert Glennon, University of Arizona
Tina Lee, Ward 2 Council Office
Val Little, Water CASA
Tom Luebben, Attorney, San Xavier Allottees Assoc.
Fernando Molina, Tucson Water
Felicia Nunez, WRC/TOLC
Jeffrey Ortega, San Xavier District
Sally Pablo, San Xavier District
Michael R. Rios, San Xavier Allottees Assoc.
Scott Roger, San Xavier District
Philip Saletta, Oro Valley Water Utility
Sidney Smith, CMID
Deborah Tosline, BOR

1. Call to Order

Chairperson, Dee O'Neill called the meeting to order at 9:00 a.m. Introductions were made.

2. Approval of Minutes

John Mahwinney made a motion to approve the minutes of November 21, 2005. David Modeer seconded the motion. The minutes were unanimously approved.

3. Request for Review of SAWRSA Pumping Restrictions

Members of the San Xavier District Allotees Association were invited to give a presentation on proposed state legislation as it relates to the Southern Arizona Water Rights Settlement Act (SAWRSA) amendments, which were included in the recent Arizona Water Settlement Act. Part of the legislation that accompanied the amendments placed new requirements and restrictions on drilling new wells within two miles of the San Xavier District (SXD). The Allotees are proposing legislation that would provide the SXD with greater protection.

Tom Luebben, Attorney for the SXD Allotees Association, reported that at one point in the 30+ years of SAWRSA negotiations, a "buffer zone" agreement was reached with the City of Tucson. This agreement was intended to control Tucson's pumping in the vicinity of the Tohono O'odham Nation (TON). As part of the final negotiations of the Arizona Water Settlement Act, the Arizona Congressional Delegation informed the SXD that they would be required to waive their Winters Doctrine reserved rights to groundwater if the settlement were to be entered into legislation. As a result, the "buffer zone" agreement was never entered into. As a substitute, the Arizona Department of Water Resources (ADWR) proposed a concept known as the San Xavier Groundwater Protection Program that would be enacted into state law. Mr. Luebben claimed that the SXD didn't have an opportunity to fully analyze ADWR's concept. Subsequent to the proposed concept going to the Arizona Congressional Delegation, Scott Rogers, the SXD's hydrologist, worked out a proposal on behalf of the SXD with the objective of it being considered as part of the Program. This did not occur, as the legislation to implement SAWRSA on the state level was accelerated and introduced last year. Rather than jeopardize the entire Settlement Act, the Allotees did not object to the San Xavier Groundwater Protection Program, but understood there would be time after the legislation passed to ask that their amendments be considered, and the state has asked the Allotees to seek input from the GUAC before proceeding further. At this point, Scott Rogers was asked to give a PowerPoint presentation outlining the changes being sought.

Mr. Rogers noted that the Protection Program was modeled on ADWR's well spacing rules. Those rules include a theoretical drawdown analysis of pumping at a proposed rate for five years. Wells pumping over 35 gallons per minute (gpm) are restricted from causing a drawdown of 10 ft. to adjacent wells, and applicants must submit a hydrologic study for wells pumping over 500 gpm. The rules are not intended to address regional water declines or overdraft; they regulate how close one well can be to another.

The San Xavier Groundwater Protection Program treats the SXD boundary as one well for well impact purposes. Non-exempt wells would be denied if a 10 ft. drawdown radius intersected the SXD boundary, unless the TON granted a waiver. For wells pumping over 500 gpm, water level declines could not be greater than two ft. per year within two miles of the SXD boundary. Mr. Rogers stated that this is an improvement over the well spacing regulations.

Mr. Rogers continued by stating that there are deficiencies in the Program. The TON and SXD's approvals are not required for recovery wells near the SXD boundary. Also, the SXD is not being included in the approval process for new wells located near its boundary. Currently, only the TON receives notice of the new proposed wells.

Mr. Rogers noted, based on further analysis, that the transmissivity values from ADWR's groundwater model for the areas that surround the SXD are such that the 10 ft. drawdown radius would be too close to the well site to have any realistic effect. Thus, Mr. Rogers stated that the way the statute is currently written is meaningless, as there are no hydrologic impacts.

To address these issues, Mr. Rogers reviewed proposed changes to the Groundwater Protection Program that the SXD claims would more effectively protect its groundwater resources. The SXD is proposing that recovery wells within three miles of its boundary, not within one mile of a recharge facility, must get the TON and SXD approval. The SXD is also asking that it be included in the decision process for restricted non-exempt wells. Most importantly, the SXD is proposing that a five ft. drawdown radius requirement and two ft. water level decline restriction would apply.

Mr. Rogers concluded by stating that the Program should be based on real hydrologic conditions, ultimately preventing high capacity wells from being directly located near the SXD boundary.

Next, Mr. Luebben went through the proposed changes line-by-line and ended by asking the GUAC for their support of the amendments. After much dialogue between the GUAC, Allottees, and members of the audience, the following motion was unanimously passed:

Due to lack of sufficient time and information, the GUAC is not prepared to make a formal recommendation at this time. However, we encourage the parties to reach an agreement in an equitable way. We are interested in convening a study session and are interested in receiving additional information and analysis from any and all affected parties.

4. Pima County Conservation and Preservation

Kathy Chavez and Julia Fonseca of Pima County were invited to provide an overview on Pima County's water conservation and preservation activities.

Ms. Fonseca reported on the water resources and riparian elements of the Sonoran Desert Conservation Plan (SDCP). Part of the SDCP is the protection of the existing, perennial streams and shallow groundwater tables through measures Pima County can take, as well as addressing and restoring some of the losses of riparian habitat due to groundwater pumping.

Some of the projects are done through acquiring vast areas of the Cienega Basin, in partnership with agencies such as the Bureau of Land Management, in order to protect the area. There have also been efforts to have ADWR put into its management plans the idea that existing, groundwater dependant riparian areas should be preserved.

The completed projects include: Cienega Creek Natural Preserve, Kino Ecosystem, Pantano Jungle Revegetation, and Bingham Cienega.

Pima County has made a commitment to restore riparian areas with a combination of stormwater, reclaimed water or treated effluent. Ms. Fonseca referred to the projects within the Rillito (Swan Wetlands and El Rio Antiguo) and Santa Cruz River areas (Paseo de las Inglesias, Kino Riparian, Tres Rios del Norte and El Rio Medio) that are or will be using a substantial amount of Pima County's share of effluent and the Conservation Effluent Pool (CEP). The CEP pool is an allocation of up to 10,000 acre-feet that was established as part of the SDCP for future riparian projects.

Next, Ms. Fonseca reviewed different ways effluent could be used to solve some of the problems that are expected or exist. Under the SDCP three projects were identified that would help reduce impacts to the few remaining groundwater dependent riparian areas in the Tucson area. They are the extension of reclaimed water lines to The Forty Niners Country Club in the Tanque Verde Creek area, Rocking K in the Rincon Valley, and Del Lago Golfcourse in Vail. These are not projects that the County can implement alone, but can be done with regional cooperation.

Ms. Fonseca concluded by stating the County has been quite active in water resource issues and water conservation is currently one of its major focuses, which is being led by Kathy Chavez.

At this point Ms. Chavez reported on the proposed water conservation measures the County is evaluating in addition to the riparian area projects. In 2001 the Pima County Board of Supervisors (BOS) adopted regional plan policies. The policies include a water resources element. The County has determined that it does not have enough water to satisfy the demand of the growing population and support the riparian projects. Therefore, a regional perspective and approach should be taken.

Part of the water resources element states that Pima County should reduce its per capita consumption, and implementation methods should be studied. Also, the Growing Smarter legislation states that counties will take into consideration water resources as part of land use elements.

Approximately 37% of the region's population is located in unincorporated Pima County. Additionally, Tucson Water has roughly 33% of its customers outside of the city limits; therefore, the city's water conservation ordinances do not apply to these customers. Because there are many water providers that serve customers in unincorporated Pima County, the water conservation measures adopted by the BOS can assist them in implementing ordinances.

Ms. Chavez looked at water conservation ordinances that are currently implemented within the community, as well as other municipalities in Southwest, in order to maintain some consistency when implementing Pima County's. In doing this, a list of water conservation measures was developed with a request to the BOS directing staff to start the code text amendment process. The list is divided into four groups: Building and Construction Code, Zoning Code, Public Health and Safety Code (water emergency) and Public Peace, Morals and Welfare (water wasting).

An advisory committee is being formed that would include stakeholders, and public meetings will be held with a goal of submitting a revised list to Development Services for ordinance implementation.

The GUAC indicated that it is supportive of the direction Pima County is moving in terms of water conservation. It is anticipated that there will be multiple opportunities for the GUAC to provide more input and support as programs move forward.

5. Area Director's Report

Due to lack of time this item was not covered.

6. Date and Agenda for Next Meeting

The next meeting will be held on Thursday, March 2 at 1:00 p.m. There will be continued discussion of the San Xavier District Allotees Association's request to review SAWRSA pumping restrictions, along with other items to be announced.

7. Adjournment

The meeting was adjourned at 11:25 a.m.